

Application No. 10/052960
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Amendment
Attorney Docket No. S63.2B-9696-US01

Remarks

This Amendment is in response to the Office Action dated December 17, 2003, wherein claims 13-15 were rejected under 35 U.S.C. §112; claims 1-4, 7-9, 11, 12, 13 and 16 were rejected under 35 U.S.C. §102 as being anticipated by U.S. 5,100,381 to Burns; and claim 17 was rejected under 35 U.S.C. §103(a) as being obvious over U.S. 3,734,100 to Walker et al (Walker) in view of U.S. 4,723,936 to Buchbinder et al (Buchbinder). Claims 18-24 were withdrawn in response to the Restriction Requirement of September 9, 2003.

The following comments are presented in the same order and with paragraph headings corresponding to the Office Action.

Claim Rejections – 35 USC §112

In the Office Action claims 13-15 were rejected under §112, second paragraph as being indefinite. More specifically, the claims were said to have insufficient antecedent basis for the term "heat shrinkable band".

As indicated above, claims 11-12 and 14-15 have been amended to correct their dependency from claim 9 to claim 10. Claim 13 has been cancelled without prejudice or disclaimer. As shown above, claim 10 provides proper antecedent basis for the term "heat shrinkable band" in dependent claims 14-15.

Claim Rejections – 35 USC §102

In the Office Action claims 1-4, 7-9, 11, 12, 13 and 16 were rejected under §102(b) as being anticipated by Burns. However, Applicants also note that the Office Action also indicates that claim 5 contains allowable subject matter and would be allowable if rewritten in independent form. Applicants have cancelled claim 5 without prejudice or disclaimer and amended instant claim 1 to include all of the elements of allowable claim 5. As a result the, rejection based on Burns is rendered moot.

In addition to the above, Applicants have amended claim 6 to depend from claim 1 and cancelled claims 13 and 16 without prejudice or disclaimer.

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Claim Rejections – 35 USC §103

In the Office Action claim 17 was rejected under §103(a) as being obvious over Walker and Buchbinder. Though Applicants disagree with the rejection, in order to advance prosecution of the present Application Applicants have cancelled claim 17 without prejudice or disclaimer. Applicants reserve the right to subsequently prosecute claim 17.

Allowable Subject Matter

In the Office Action claims 5, 6, and 10 were rejected as being dependent on a rejected base claim but would be allowable if rewritten in independent form. Applicants acknowledge the presence of allowable subject matter in claims 5, 6 and 10 and as discussed above, have amended claim 1 to include all of the elements of claim 5.

Conclusion

In view of the foregoing it is believed that the present application, with 1-4, 6-12, and 14-15 is in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: February 25, 2004

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